

Chapter 9.36

WEAPONS

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9.36.010 Discharge of Firearms Unlawful.

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge any gun or firearm, including any pistol, revolver, shotgun, or rifle, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits. (Ord. 15625 §1; July 9, 1990: P.C. §9.28.010: Ord. 9382 §1; January 22, 1968: prior Ord. 3489 §9-101, as amended by Ord. 6513; December 3, 1956).

9.36.020 Minors Not to be Furnished With Firearms, Ammunition or Weapons.

(a) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, fowling piece, or other firearm, any ammunition or component thereof, or any pocket knife having a blade more than three and one-half inches in length; provided, it shall be lawful to sell, loan, or furnish shotguns or rifles, of a type commonly used for hunting, and any ammunition or component thereof for the same, to persons eighteen years of age or older.

(b) This section shall not apply to delivery or transfer of rifles or shotguns or ammunition or components thereof to a juvenile:

(1) By the juvenile's parent or legal guardian for a legitimate and lawful sporting purpose;
or

(2) Who is under direct adult supervision in an appropriate educational or competitive shooting program.(Ord. 17529 § 1; July 19, 1999: prior Ord. 15625 §2; July 9, 1990: P.C. §9.28.020: Ord. 3489 §9-102, as amended by Ord. 6675; November 25, 1957).

9.36.025 Firearms Offered for Sale at Retail; Access Restricted.

It shall be unlawful for any person to display for sale at retail any firearm or firearms, or any ammunition for firearms or reloading components thereof, without such firearm or firearms, or ammunition for firearms or reloading components thereof, being secured so as to cause them to be inaccessible without the assistance of authorized sales personnel of the retailer. (Ord. 16975 §1; April 29, 1996).

9.36.030 Report of Sale of Firearms.

Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon. (Ord. 15625 §3; July 9, 1990: P.C. §9.28.025: Ord. 15443 §1; February 20, 1990: prior Ord. 7936 §1; December 26, 1962).

9.36.040 Unlawful to Sell or Possess Switch-Blade Knife.

It shall be unlawful for any person to sell, give away, or furnish to another person any switch-blade knife; and it shall be unlawful for any person to have in his or her possession, custody, or control any switch-blade knife. (Ord. 15625 §4; July 9, 1990: P.C. §9.28.030: Ord. 3489 §9-101.1, as amended by Ord. 6284; February 20, 1956).

9.36.050 Discharge of Weapons and Other Instruments Unlawful.

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits, any air rifle, toy pistol, toy gun, slingshot, or any other air, gas, or spring operated gun, weapon, apparatus, or instrument for the purpose of throwing or projecting missiles of any kind by any means whatsoever in such a manner as to endanger the safety of persons or property, whether the instrument is called by any name set forth above or by any other name. (Ord. 15625 §5; July 9, 1990: P.C. §9.28.040: Ord. 9382 §2; January 22, 1968: prior Ord. 3489 §9-103; July 6, 1936).

9.36.060 Toy Guns or Slingshots That Discharge Dangerous Missiles Not to be Carried.

It shall be unlawful for any person to carry about his or her person any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of or by which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §6; July 9, 1990: P.C. §9.28.050: Ord. 3489 §9-104; July 6, 1936).

9.36.070 Minors Not to be Furnished With Toy Guns or Slingshots That Discharge Missiles.

It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor, to purchase for or give to any such minor or knowingly to permit any such minor to have any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §7; July 9, 1990: P.C. §9.28.060: Ord. 3489 §9-105; July 6, 1936).

9.36.080 Exemptions.

The provisions of Sections 9.36.010 and 9.36.050 shall not apply to (a) licensed shooting galleries or archeries; (b) any range operated, supervised, and maintained by the United States of America, the State of Nebraska, or any governmental subdivision thereof, when in connection with an educational or training program and upon property owned or leased by the United States of America, the State of Nebraska, or subdivision or agency thereof; (c) a private building within which the instrument is fired, discharged, or operated in the private building in such a manner as to prevent the missile projected from traversing in the space outside of the private building; (d) any law enforcement officer in the performance of such officer's duties; (e) any agent or employee of a political subdivision engaged in controlling the bird or animal population on property owned, leased, or controlled by such political subdivision when authorized by such political subdivision for the protection of the public health, safety, or welfare; and (f) any City recognized homeowner association, located in a flight pattern designated by the Lincoln Airport Authority and in need of bird control, may engage in nonlethal means of controlling the bird population on property owned, leased or controlled by the homeowner association when authorized by the City of Lincoln and while under the supervision of the Nebraska Game & Parks Commission for the protection of the public health, safety, or welfare. The Lincoln Airport Authority must file with the City Clerk a copy of the flight patterns and areas in which control of the bird population is necessary. (Ord. 18110 §1; December 9, 2002: prior Ord. 17377 §1; July 13, 1998: Ord. 15625 §8; July 9, 1990: P.C. §9.28.130: Ord. 9382 §3; January 22, 1968: Ord. 3489 §9-112, as amended by Ord. 4382; March 8, 1943).

9.36.090 Transporting Explosives; Port of Entry; Routes; Penalty.

It shall be unlawful for any person, firm, or corporation to convey, or transport through any street, avenue, alley, or other public place within the city, any dynamite, nitro-glycerine, gunpowder, guncotton, TNT, or any other explosive material, including fireworks of every nature or description, without first having stopped at a port of entry hereinafter designated, and having notified the Police Department of the city of their intention to move said vehicle within or through the city and requesting a police escort. Such vehicle, or vehicles, shall follow such route, or routes, as may be designated to them by such police escort. The City Council shall, by resolution, designate ports of entry at which all such vehicles shall stop. (Ord. 15625 §9; July 9, 1990: P.C. §9.28.150: Ord. 5633 §§ 1,2; October 21, 1953).

9.36.100 Unlawful Possession of Firearms.

It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years: Stalking in violation of *Neb. Rev. Stat.* § 28-311.03 or any other comparable or similar state statute from another state; Violation of a protection order as set forth in *Neb. Rev. Stat.* § 42-924 or Violation of a foreign protection order as set forth in *Neb. Rev. Stat.* § 42-931; False imprisonment in the second degree in violation of *Neb. Rev. Stat.* § 28-315; Sexual assault in the third degree in violation of *Neb. Rev. Stat.* § 28-320; Impersonating a peace officer in violation of *Neb. Rev. Stat.* § 28-610; or, Impersonating police officer in violation of Lincoln Municipal Code § 9.08.060; Debauching a Minor in violation of *Neb. Rev. Stat.* § 28-805; Obstructing government operations in violation of *Neb. Rev. Stat.* § 28-901; Resisting arrest in violation of *Neb. Rev. Stat.* § 28-904; Resisting officer in violation of Lincoln Municipal Code § 9.08.030; Obstructing a peace officer in violation of *Neb. Rev. Stat.* § 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal Code

§ 9.08.020; Carrying concealed weapon in violation of *Neb. Rev. Stat.* § 28-1202; Criminal child enticement in violation of *Neb. Rev. Stat.* § 28-311; Implements for escape in violation of *Neb. Rev. Stat.* § 28-913; Unlawful possession of explosives, second degree in violation of *Neb. Rev. Stat.* § 28-1216; Use of explosives without a permit in violation of *Neb. Rev. Stat.* § 28-1218; Concealing the death of another person in violation of *Neb. Rev. Stat.* § 28-1302; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code § 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code 9.36.010; and Criminal attempt (where the crime attempted is a felony or any of the above Nebraska State Statute misdemeanor violations) in violation of *Neb. Rev. Stat.* § 28-201.

The provisions of this section shall not apply to (a) the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (b) a peace officer as defined by *Neb. Rev. Stat.* § 28-109(14). (Ord. 18158 §1; April 7, 2003).

9.36.110 Firearms in Attended Motor Vehicle; Unlawful.

It shall be unlawful for any person to keep a firearm in an unattended motor vehicle for a period in excess of twenty-four hours.

The provisions of this section shall not apply to members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or peace officers or other duly authorized law enforcement officers, nor shall it apply to vehicles containing firearms that are parked in locked enclosures or buildings, such as garages or other storage facilities. (Ord. 18158 §2; April 7, 2003).

9.36.120 Firearm; Defined.

For purposes of Sections 9.36.100 and 9.36.110 of the Lincoln Municipal Code, “firearm” shall mean any weapon which is designed to or may be readily converted to expel any projectile by action of an explosive or frame or receiver of any such weapon including, but not limited to, any pistol, revolver, shotgun, or rifle. (Ord. 18158 §3; April 7, 2003).